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ABSTRACT

The purpose of this study was to investigate existing state laws and court decisions related to teacher responsibility and liability during field trips. Literature on field trips as an educational activity and on teacher responsibility while leading field trips was reviewed. A normative survey was conducted, using an opinionnaire specifically designed for this purpose. These instruments were mailed to the attorneys general, state superintendents of public instruction, state education associations, state school board associations, and teacher unions of all 50 states. It was found that there are few pertinent state laws and few recent court cases, the teacher conducting a field trip is no more liable to tort liability than a teacher in his own classroom, liability insurance is available in many states, and, while some states are removing the doctrine of sovereign immunity for their statutes, many are adopting "save harmless" laws in these areas. It is recommended that departments of education recognize the field trip as an integral part of the educational program and that state legislatures enact statutes requiring adequate liability and accident insurance coverage for all persons while in the classroom and on field trips. (Author/IRT)

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FIELD TRIPS:

LAWS AND COURT CASES

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CHAPTER I

THE PROBLEM, PROCEDURES, AND DEFINITIONS OF TERMS USED

Background. The community has been utilized for many years by teachers to supplement their instructional program. This utilization of the community requires teachers to take children outside the regular classroom environment on "field trips." The field trip has given pupils an opportunity to learn in a setting which gives them direct, first-hand experience with the subject under study.

Teachers have been concerned about their legal responsibilities during these excursions. They have recognized that conditions outside the classroom may increase the element of danger to pupils. Children may expect more freedom when away from the school environment, but in reality field trips may necessitate greater restrictions, and, consequently, more careful supervision on the part of the teacher.

The transportation of pupils to and from the site of the field trip may also be a cause of concern. Questions regarding use of school buses and other vehicles, including public transportation and privately owned automobiles have been raised. Some schools may not, and in some cases cannot, provide transportation, thus creating problems for teachers who wish to utilize the field trip as an instructional aid.

The Problem

Statement of the problem. It was the purpose of this study to investigate existing state laws and court decisions in the United States related to teacher responsibility and liability while on field trips. This study is a replication of a study completed in 1972 entitled "A Survey of Laws and Court Decisions in the United States as Related to Teacher Responsibility and Liability During Field Trips."[1]

Importance of the study. Teachers have been concerned about their legal responsibilities relative to field trips. Administrators and school board members have been aware, but sometimes not fully cognizant, of the legal status of the school district, their teachers, and themselves, in terms of liability and responsibility when involved in educational activities away from the site of the school. This study was intended, therefore, to add to the body of knowledge dealing with state laws and court decisions concerning teacher liability and responsibility while conducting field trips of an educational nature.

Methods of Procedure and Sources of Data

The purposes of this section of the study were to describe: (1) the method used in obtaining the population; (2) the design of the opinionnaire; and (3) the statistical treatment of the data.

Obtaining the population. All 50 states in the United States were included in this study. The opinionnaire was sent to five agencies in each of the 50 states of the United States. These letters, dated May 14, 1976, were sent to each state office of the Attorney General, the Superintendent of Public Instruction (Department of Education), the Education Association (NEA affiliate), the School Boards Association, and the Teacher Union (AFL/CIO affiliates). Approximately one month later a follow-up opinionnaire was mailed to each state agency from which no reply had been received. These five sources were utilized in an attempt to gather a greater number and consequently a greater depth of information; to enable a cross validation or verification of responses within the states, and to insure at least a minimal response (one reply) from all of the 50 states.

Design of the opinionnaire. The opinionnaire was designed in question form. Several statements explaining the purpose and procedures of the study were included in the single page letter. The questions were rather brief and only three in number.

The purpose of the questions contained in the opinionnaire was to elicit the following information: (1) to ascertain the existence of specific state laws dealing with the conduct of field trips by teachers with groups of children;

(2) to determine the existence of any recent (within the last five years) court decisions relating to teacher responsibility and liability in the matter of field trips, also any earlier decisions; and (3) to solicit any comments related to teacher responsibility and liability in the matter of field trips. Copies of the initial request and the follow-up opinionnaire will be found in Appendix A.

Treatment of the data. All data were analyzed and reported in terms of replies received. Answers to the two questions regarding state laws and court decisions were presented in tabular form. Percentages of responses were presented where applicable. Comments contained in responses were analyzed, summarized, and presented in narrative form.

Limitations of the Study

The limitations of any investigation conducted by the use of normative survey techniques existed in this study. A further limitation resulted from the fact that reliability of the data depended upon the accuracy with which respondents interpreted the questions and responded to them.

A further limitation is the educational and experiential background of the authors. They have no formal legal training, but rather possess a degree of expertise in the fields of teaching and educational administration. Care has been taken to summarize and recommend from the corre-

spondence obtained from the respondents. Specific legal interpretation of the laws and court decisions has been avoided.

Definitions of Terms Used

Several terms employed in this study were defined as follows:

> Field trip: A trip arranged by the school and undertaken for educational purposes, in which students go to places where the materials of instruction may be observed and studied directly in their functional settings; for example, a trip to a factory, a city waterworks, a library, a museum, etc. Syn. instructional trip; school excursion; school journey; see plant tour.[2]
>
> Immunity, governmental: A common-law principle that it is not in the public interest for the government to be the defendant in a civil suit except where waived or permitted by law; also known as sovereign immunity and tort immunity. See respondent superior, doctrine of.[3]
>
> Negligence: Failure to act as a reasonably prudent person would act under the particular circumstances.[4]
>
> Negligence, contributory: Failure by an injured person to use ordinary care, which is a concurrent cause with the negligence of the injurer in producing the injury.[5]
>
> Tort: . . .(3) Any negligent or willful and wrongful act of school officers or employees by which pupils or other innocent persons are injured.[6]

All other terms used, where not specifically defined, have been taken from Good's Dictionary of Education.[7]

Organization of the Remainder of the Study

This study has in Chapter II a brief review of pertinent literature and related research. The presentation and

analysis of the data are reported in Chapter III. The summary, findings, and conclusions of this study are presented in Chapter IV.

Footnotes

[1] Charles R. DuVall and Wayne J. Krepel, "A Survey of Laws and Court Decisions in the United States as Related to Teacher Responsibility and Liability During Field Trips," Research in Education, 7:5 (May, 1972), p. 92. (ERIC Document No. ED 059 131).

[2] Carter V. Good, editor, Dictionary of Education, third edition, New York: McGraw-Hill Book Company, 1973, p. 239.

[3] Ibid., p. 292.

[4] Ibid., p. 383.

[5] Ibid.

[6] Ibid., p. 611.

[7] Ibid.

CHAPTER II

REVIEW OF RELATED LITERATURE

General Background

Historically the field trip has its roots in the middle ages. Early writers of that period recognized the inherent educational worth of travel, which usually followed the completion of formal schooling and was not an integral part of the educational program. Its worth, however, was by no means diminished.[1] Indeed, the educational field trip, as broadly interpreted, is of such early origin that McKown and Roberts pointed out that both Aristotle and Socrates recognized the value of travel as an educational experience.[2]

The educational field trip as we know it today had its origins in Europe. The early development of the excursion took place at the University of Jena under Stoy. Reine modified and enlarged it to make the field trip an integral part of the total curriculum.[3] From these early beginnings, after 1885, the field trip became directly associated with the teaching of subject matter in the educational program.[4] Thus, the field trip movement spread throughout the continents of Europe and Asia.

Downs, writing in School and Society in 1935, described an English secondary school master some 40 years earlier (circa 1895) who was discussing glaciers with his geography

class and became aware that none of them, including himself, had ever seen a glacier. This nameless visionary encouraged "his boys" to save a little money each week with the goal of taking a trip to Switzerland and viewing a glacier. At the end of the school year, so the story goes, some 60 boys and their masters went on a month's educational excursion to Switzerland. This trip was considered by Downs to mark the beginning of the "Continental School Journey."[5]

In another issue of School and Society in 1935 an unnamed correspondent for the London Times refers to the universal nature of educational excursions in the Japanese educational system of that era. "The theory is that every child is a stranger in the world and that it is the function of education to introduce him to his human and material surroundings, . . ." He further points out that a great number of journeys are taken during the last two years of the (Japanese) elementary program.[6] During this same time period the widespread use of the educational excursion was apparent in Germany, France, Belgium, Denmark, Holland and Russia.

The use of the field trip in the schools of the United States is of fairly recent origin. Charles and Frank McMurry are credited with first advocating the use of the field trip in the study of geography and science shortly after 1900.[7] McKown and Roberts wrote that the schools of the United States

had always used field trips to a limited extent, but that they tended to take the form of glorified school-picnic type excursions. In their book entitled Audio-Visual Aids to Instruction they explained that although the term "excursions" was commonly used they preferred "not to use it because it is too suggestive of a lark or a sight-seeing expedition, neither of which represents the school-trip idea."[8]

In 1903, Charles McMurry in his book Special Methods in Geography gave detailed instructions on the use of the field trip as an educational experience. He included a three-part procedure for conducting field trips which still constitutes the basic format followed today. McMurry emphasized (1) preparation for the trip, (2) the trip itself, and (3) follow-up activities conducted by the teacher and class.[9]

The relative position or relative importance attached to the field trip within the instructional program has varied. It has been used as an introduction to instruction, as a culminating activity, or within the body of a unit of instruction.[10] The field trip has been described as "the most vibrant teaching-learning laboratory to be found."[11]

Hall stated that at the present time "journeys undertaken by British schools fall roughly into two categories: domestic trips, taken during term time; and journeys abroad."

These excursions abroad range from an airplane flight from Birmingham to London and back again for geography, to research expeditions to Lapland, Iceland, and British Columbia.[12] Trips into other countries are not without problems, in addition to their rather obvious rewards. Impressions made by students upon the citizenry of the country visited is, or should be, of concern to the sponsoring educator or educational organization.[13]

In the United States field trips can range from a walk around the school yard and through the nearby woods[14] to a two day marine field trip.[15] Howland stated that a field trip may vary from a visit to a fire house or a meadow or "across the continent or around the world."[16]

Because of the inherent educational value of the field trip school boards in the United States usually have permitted teachers to engage in this type of activity with their students. Recent studies of school board policies revealed that in excess of 90 per cent of the school districts queried reported that their policy permitted the use of the field trip as an instructional tool.[17]

Value of Field Trips

A number of values are attributed to field trips. Howland says that the main "objective of a field trip is to provide understanding through experience."[18] The field trip

is a laboratory which enables teachers "to bridge the gap between what we know and what we do in education."[19]

The values gained in excursions, according to Hall, are the provision of accurate first hand information, the promotion of better citizenship, the opportunity for social training, the encouragement of love of travel, the formation of a connecting link between community and school, and the creation of interest.[20] The use of the community and its resources enables the classroom to be expanded to include the entire world of the child. The learning process then includes examples drawn from the real world.[21]

A field trip increases the student's knowledge of a particular subject but, even more importantly, may increase the desire for knowledge.[22] A field trip may unify a group of children.[23] It can make a unit of study more meaningful and make real what has been read or discussed.[24] Field trips help to develop reading skills as the children plan their outline of what they will do and what things they will try to see. Map-reading skills may be developed while taking a field trip.[25]

These trips are used as material upon which a writing program may be built, such as reports and letter writing. Discussions can center about the field trip experience. Mathematics may be used to figure out how much a trip will cost, the supplies needed, and distance traveled on the trip.

Research

Many early studies evaluated field trips as contrasted with films or other audio-visual aids to learning. Recent studies have evaluated them within the total picture as one of many resources available to the teacher. Both types of evaluation appear to be valid.

Clark studied 335 sixth grade pupils. She selected four units, Egypt, Printing, Transportation, and Communications for this study. The experiment was carefully controlled so that non-experimental factors would not figure in the results. Interest and achievement tests were administered. Pupils were afforded the opportunity to write one page of reaction to the unit. After final scores were tabulated and adjusted for pretest scores and mental ages, the experimental groups (field trip) were found to be significantly superior in all units except Egypt, in which the control group was superior. Regarding the absolute retention scores, no significant differences between the groups were reported, except in the Printing unit, where the control group was found to be superior to one of the two experimental groups. No significant difference was found between groups in relative retention.[26] The results of this study indicate that teachers should constantly evaluate field trips. Some may not be achieving the desired outcomes.

In a study by Forster of eight 4B social studies

classes the findings were similar to the Clark study. Forster concluded that a significantly greater degree of learning took place as a result of field trips. No significant difference in the results of a retention test was reported.[27]

Curtis studied 32 fifth grade children who were divided into two groups to determine what contributions a field trip might make in their unit of study on erosion and conservation of soil. Within certain stated limitations "the conclusion may be that the excursions in this study contributed to understanding when employed as a summary technique."[28] He goes on to state that "too much should not be expected of the excursion per se." He concluded that the excursion should be used where a useful illustration of the subject being studied is easily accessible in the community, and particularly when students have limited experiences.[29]

A study by Harvey was made of the value of using field trips to acquire new knowledge and to develop scientific attitudes rather than for the purposes of illustration or verification of information. Two sections of ninth grade general science classes were selected for the experiment. The unit of study selected was conservation. Harvey stated, when discussing his findings that "the [experimental] students gained an increase in scientific attitudes which is shown by the statistical analysis to have been of scientific value." It was proven practical for a ninth grade general

science class to study a part of their environment using the scientific method and it was also demonstrated that a worthwhile excursion can be conducted within a fifty-five minute class period.[30]

In Milwaukee, field trips were used in a different way. A number of Orientation Centers for new migrants to the city and transients already within the city were set up in 1960. Children who were culturally disadvantaged but had normal ability were assigned to these centers for varying periods of time, usually one to four semesters. These children often were lacking in real life experiences, so the field trip was selected as the focal point of the curriculum. It was used to provide experiences at a concrete level. Field trips also provide a background of knowledge on which to build skill conceptualization and abstract thinking, which are so necessary for success in school.[31]

Sorrentino and Bell, in a study of secondary school science field trips, compared attributed values with empirically determined values. They concluded that substantial experimental research is needed. However, they stated that based upon available information "it is reasonable to say that field trips should be used in the teaching of secondary science."[32]

DuVall and Truex reported that approximately ten per cent of teachers employed in a selected Northern Indiana

School District took field trips during a given school year.[16][33] Ayars surveyed 92 teachers who were attending a community resources workshop to determine the reasons they did not use field trips with their classes. The reasons given, in descending order of frequency were: too full schedule, lack of transportation, too many pupils in classes, course of study requirements, time consumed by routine duties, the daily class schedule, problems of liability, too time consuming, and fear that some fundamental teaching may be disregarded. Ayars stated that extensive utilization is not likely to develop unless favorable conditions are provided by the administration including "a general atmosphere of encouragement as to the use of community resources."[34]

The preceding studies indicate that field trips can contribute to learning. Selection, preparation and conduct of the trip must be accomplished in an instructionally sound manner.

School Law and Liability

Teachers and other school officials may be sued and possibly be held liable for injuries to students not only in the conduct of field trips but at any time. In past years school districts were traditionally immune from tort liability. The similarity between a king of England in 1765 and today's school districts has been challenged.[35]

State governments in many cases have eliminated sovereign immunity as a protective device for school districts. As of 1970 approximately one-third of the states had legislated "save harmless" laws.[36] Wetterer described this statute in the state of New York as one which requires the board of education to "indemnify all its employees against financial loss for acts of negligence committed in the line of duty."[37] Such state laws differ somewhat in that some states permit, and others require, the school district "to reimburse employees who are held liable for injuries resulting from negligence."[38]

Liability for an accident may occur when negligence is involved. If a reasonably prudent person could have foreseen the consequences of the act or would have acted differently under the circumstances, and the defendant failed in this respect, then that person may have been negligent in his actions.[39] One test often used to determine if conduct is negligent is foreseeability.[40] Usually a teacher is free of blame if the injury is caused by an unavoidable or unforeseeable accident.

Injury to students which may lead to teacher liability cases occurs in various ways. Many of these cases involve supervision of students.[41] Sweetser believed that while hazards exist on field trips proper planning can provide the pupils with a safe, worthwhile experience. He concluded that

proper planning and supervision also provides the supporting evidence needed in the event of a suit.[42] Inadequate supervision, when an injury has occurred, may be a factor in determining a teacher's negligence. The court may rule that the presence of a teacher may have prevented the accident. Therefore, it is usually recommended that a teacher not leave a classroom or playground unsupervised.[43] Each field trip needs to be individually planned. Caras believed that individual planning should include special rules and differing types of care. This planning would result in a learning experience for the pupils and not a nightmare for the teacher.[44] It is expected that teachers will "provide reasonable supervision of children, but the courts do not require constant scrutiny."[45]

Accidents also occur while transporting students to and from activities away from the school site. Some states have specific statutes authorizing school districts to provide transportation for such activities. Some states also allow school districts to purchase liability insurance for transportation purposes only, an indication that districts are concerned about accidents while transporting students.[46] Another facet of transportation which has caused many problems is that of using privately owned automobiles for transporting students. The teacher or other owner of the

car may be found liable for injuries to students riding in his car.[47]

Teachers are justifiably concerned with transportation, however it should not override the educational value. Evidencing this concern Orton and Stevens wrote of a "course" for children in "survival" or "what to do if lost." Care in walking field trips should be no less stringent than those excursions involving vehicular transportation.[48]

Permission slips are often required for field trips. Such permission slips signed by parents do not relieve teachers of responsibility for students.[49] Both Phlegar and Howard[50] emphasized that permission slips do not remove responsibility, but simply inform parents of the trip or indicate parental permission for the child to engage in this educational activity.

Some states have statutes which require or permit school districts to carry liability insurance.[51] A case involving both the "save harmless" clause and liability insurance was described by Grieve. A teacher and his student passengers, while going to a music festival, were involved in an accident and all killed. Subsequent litigation revealed negligence on the part of the driver. Due to the "save harmless" statute of that state, the school district was held responsible for the action of the teacher. The

liability insurance carried by the district was insufficient to cover the enormous claims. Consequently, the school district increased the tax rate for several years to settle the claims resulting from the tragedy.[52]

Liability insurance is often provided through membership in professional organizations. A group liability plan for all members is either available for a small fee or is included within the annual dues payment.[53] Dineen indicated that coverage may include payment of all attorney fees and other costs and may provide payment of judgments within maximum limits.[54]

Regardless of "save harmless" laws and liability insurances, a study of the literature revealed that teachers need to exercise extra precautions while involved with students in activities away from school. Davis emphasized that teachers must consider the age, maturity and physical condition of the students when away from school on a field trip. Careful planning and adequate supervision were cited as very important in establishing reasonable care when in charge during these educational activities.[55]

Summary

This chapter has been devoted to a review of related literature in order to provide a background of information and also a rationale for the present study. The review of

literature may be seen as two distinct parts, dealing respectively with (1) field trips as an integral part of the instructional program, and (2) teacher responsibility and liability as related to the conduct of these trips.

Educators have utilized the field trip or excursion for over half a century in this country. It had been used before that for some time in Europe. The literature reviewed indicated that the field trip does have definite instructional advantages over the continued vicarious experiences of the traditional classroom. While it is widely used today it is still not utilized by a majority of today's classroom teachers.

Further examination of the literature revealed that state legislators and school personnel are concerned about accidents resulting in injuries to pupils. While it appeared that repeal of sovereign immunity statutes is a trend across the country, an equally important trend of providing "save harmless" laws seems evident. These statutes require or permit school districts to reimburse school personnel for financial losses resulting from liability suits. State governments and school districts are accepting greater responsibility for liability where negligence has contributed to accidents involving personal injury.

Further, an increasing number of states require or permit school districts to carry liability insurance on

school personnel. Numerous state professional associations also provide liability insurance plans through membership in the organization.

Footnotes

[1]I. L. Kandel, "Excursions, School," in A Cyclopedia of Education, Paul Monroe (editor), New York: The Macmillan Company, 1911, republished by Gale Research Company, Detroit, 1968, pp. 542-43.

[2]Harry C. McKown and Alvin B. Roberts, Audio-Visual Aids to Instruction, Chapter IX, "School Trips and Tours," New York: McGraw-Hill Book Company, Inc., 1940, p. 181.

[3]Kandel, op. cit.

[4]Dwight K. Curtis, "The Contributions of the Excursion to Understanding," Journal of Educational Research, 38:201, November, 1944.

[5]S. W. Downs, "The School Journey Movement in Great Britain," School and Society, 42:541, October 19, 1935.

[6]Correspondent of the London Times Educational Supplement, "School Journeys in Japan," School and Society, 42:300, August 31, 1935.

[7]Curtis, op. cit.

[8]McKown and Roberts, op. cit., pp. 181-82.

[9]Charles McMurry, Special Methods in Geography, New York: The Macmillan Company, 1903.

[10]Curtis, op. cit., pp. 201-02.

[11]Alberta P. Sebolt, "The Community as a Learning Laboratory," Educational Leadership, 29:410, February, 1972.

[12]Wendy Hall, "School Journeys in British Education," School and Society, 82:151-53, November 12, 1955.

[13]W. B. Anderson, "Is Their Journey Really Necessary?" The Times Educational Supplement, 3041:41, September 7, 1973.

[14]Aldene E. Howland, How to Conduct a Field Trip, National Council for the Social Studies, "How to Do It Series, No. 12," Washington: National Education Association, 1962, p. 4.

[15]Ferdinand S. Ruth, "Field Trips - Why and How," The American Biology Teacher, 24:32, January, 1962.

[16]Howland, op. cit., p. 1.

[17]Wayne J. Krepel and Charles R. DuVall, "A Survey of School Board Policies and Administrative Procedures for Dealing with Field Trips in School Districts in Cities with Populations over 100,000 in the United States," Research in Education, 8:30 (abstract), January, 1973 (ED 066 810); Wayne J. Krepel, "A Survey of School Board Policies and Administrative Procedures for Dealing with Field Trips in Selected Smaller School Districts in the United States," Research in Education, 9:62 (abstract), August, 1974 (ED 089 399).

[18]Howland, op. cit.

[19]Sebolt, op. cit.

[20]Hall, op. cit., p. 153.

[21]Sebolt, op. cit.

[22]Ruth, op. cit.

[23]Grace Muente, "A Walk Turned a Roomful of Individuals Into a Sharing First Grade," The Instructor, 77:40, August, 1967.

[24]Edith C. Forster, "An Evaluation of the Field Trip in the Formation of Social Concepts and Generalizations," Dissertation Abstracts, 22:181, July-September, 1961.

[25]Joe Nathan and Ellen Scheer, "Learn to Travel/Travel to Learn," Teacher, 94:60-62, October, 1976.

[26]Ella C. Clark, "An Experimental Evaluation of the School Excursion," Journal of Experimental Education, 12:11-13, September, 1943.

[27]Forster, op. cit.

[28]Curtis, op. cit., p. 202.

[29]Ibid., p. 210.

[30]Helen W. Harvey, "An Experimental Study of the Effect of Field Trips Upon the Development of Scientific Attitudes in a Ninth Grade General Science Class," General Education, 35:242-248, December, 1951.

[31]Allen L. Muhlicek, "Orientation Centers for IN-Migrants and Transients," The Education Digest, 32:9, April, 1967.

[32]Anthony V. Sorrentino and Paul E. Bell, "A Comparison of Attributed Values With Empirically Determined Values of Secondary School Science Field Trips," Science Education, 54:235, July, 1970.

[33]Charles Robert DuVall and Donald Walter Truex, "Computerized Community Resources Handbook: A Joint Project of Indiana University at South Bend and the South Bend Community School Corporation," Research in Education, 6:104, September, 1971 (ED 051 049).

[34]Albert Lee Ayars, "An Evaluation of Cooperatively Planned Resources Workshops for Teachers," Unpublished Doctoral Dissertation, School of Education, State College of Washington, Pullman, Washington, 1956, p. 24.

[35]Kenneth F. Licht, "School Liability and Safety Education," The Education Digest, 36:22, November, 1970.

[36]Earl Hoffman, "The Classroom Teacher and School Law," Educational Horizons, 49:239, Winter, 1970.

[37]Charles M. Wetterer, "Can He Be Sued? An Evaluator's Dilemma," The Clearing House, 40:530, May, 1966.

[38]Gerard Esposito, "Teacher Liability for Accidents in the School Shop," Industrial Arts and Vocational Education, 57:64, October, 1968.

[39]Ibid., p. 63.

[40]Elaine C. Davies, "Tort Liability of Teachers and School Administrators," Educational Horizons, 49:41, Winter, 1970.

[41]Frederick L. Phlegar, "School Law and the Teacher," Virginia Journal of Education, 60:20, May, 1967.

[42]Evan A. Sweetser, "Field Trips and Teacher Liability," The American Biology Teacher, 36:239-240, April, 1974.

[43]Davies, op. cit., pp. 41-42.

[44]Roger Caras, "Putting the Field Back Into the Field Trip," Instructor, 86:50, April, 1977.

[45]Kern Alexander, "Trends and Trials: Tort Liability Spreads to Students, Faculty," Nation's Schools, 87:57, March, 1951.

[46]Andrew Grieve, "Legal Aspects of Transportation for Athletic Events," The Athletic Journal, 47:64, March, 1967.

[47]Alvin W. Howard, "Teacher Liability and the Law," The Clearing House, 42:413, March, 1968.

[48]Peter Orton and Joyce Stevens, "Survival in Boston," Education Digest, 42:19-22, April, 1977.

[49]Phlegar, op. cit., p. 22.

[50]Howard, op. cit.

[51]Esposito, op. cit.

[52]Grieve, op. cit., p. 86.

[53]Esposito, op. cit.

[54]Tom Dineen, "Negligent or Intentional Act May Bring Charge," Minnesota Journal of Education, 47:26, November, 1966.

[55]Davies, op. cit., p. 43.

CHAPTER III

PRESENTATION AND ANALYSIS OF DATA

The purposes of this chapter were to present the results of the analysis of the data of (1) the mailing and return of the opinionnaire and (2) the data obtained from the replies to the questions themselves.

Mailing and Receipt of Opinionnaire

The opinionnaire was sent to five agencies in each of the 50 states of the United States. These letters were sent to each state office of the Attorney General, the Superintendent of Public Instruction (Department of Education), the Education Associations (NEA), State School Boards Associations and Teacher Unions (AFL-CIO). Approximately one month later a follow-up opinionnaire was mailed to each state agency from which no reply had been received.

Responses, as presented in Table 1, were received from all 50 states. At least one, and in many instances three or even four agencies responded from each of the several states.

Responses were received from 80 per cent of the Departments of Education (Superintendents of Public Instruction). Of the state offices of the attorneys general a return of 72 per cent was realized. Responses from 40 per cent of the

TABLE 1. RESPONSES TO REQUEST FOR DATA, CLASSIFIED BY STATE AND AGENCY

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Alabama	-	x	-	-
Alaska	x	x	-	-
Arizona	x	-	x	-
Arkansas	x	-	-	-
California	x	x	-	-
Colorado	x	x	x Refer/SI(1)	-
Connecticut	-	x	-	x
Delaware	x	-	x	-
Florida	-	x	-	x
Georgia	x	x	-	-
Hawaii	x	x	x	-
Idaho	x Refer(2)	x	-	x
Illinois	x	x	-	-
Indiana	-	x	x	x
Iowa	x	x	x	x
Kansas	-	-	x	x
Kentucky	x	-	-	x
Louisiana	x	x	-	x
Maine	x	x	-	x
Maryland	-	x	-	x
Massachusetts	x Refer/SI	x	-	-
Michigan	x	x	x	x
Minnesota	x	x	-	x
Mississippi	x	x	x	-
Missouri	x	x	-	-
Montana	x	x	-	-
Nebraska	-	-	x	-
Nevada	x	x	-	x
New Hampshire	-	x	-	x
New Jersey	-	x	x	-
New Mexico	x	-	x	x
New York	x Refer/SI	x	x (3)	x
North Carolina	-	x	-	x
North Dakota	x	x	-	x
Ohio	x	x	x (1)	x

(1) Response is from Federation of Teachers
(2) Referred to State Law Library
(3) New York has organization "New York State United Teachers"

TABLE 1 (continued)

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Oklahoma	X Refer/SI	x	-	-
Oregon	-	x	-	X Refer/SI
Pennsylvania	x	x	-	-
Rhode Island	-	x	-	-
South Carolina	x	x	-	x
South Dakota	x	-	x	-
Tennessee	x	x	-	-
Texas	-	-	x	-
Utah	x	x	x	-
Vermont	-	x	x	x
Virginia	x	x	x	x
Washington	x	x	x	-
West Virginia	X Refer/SI	x	-	-
Wisconsin	x	x	-	x
Wyoming	x	x	-	x
Total Responses	36	40	20	25
Per Cent	72	80	40	50

One or more responses by state: 50/100 per cent

offices of the several State Education Organizations (NEA and AFL-CIO affiliates were combined) were received, while 50 per cent of the School Boards Associations responded.

Analysis of the Data

Field trip laws. The first question in the opinionnaire was designed to specifically determine the existence of state laws dealing with the conduct of field trips by teachers. As indicated in Table 2 it is quite apparent that few specific state laws relative to the conduct of field trips exist. Of the 50 states represented by returned opinionnaires, in only three cases the replies specifically stated that a law existed.

According to the California Department of Education and the Office of the Attorney General, California does have several statutes dealing with the field trip, as well as recent case law. Provisions regarding field trips are found primarily in Article 9 "Excursions and Field Trips." Section 1081.5 provides:

> The governing board of any school district or the county superintendent of schools of any county may:
>
> (a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language,

TABLE 2. RESPONDENTS' REPLIES TO QUESTION "DOES YOUR STATE HAVE SPECIFIC LAWS DEALING WITH THE CONDUCT OF FIELD TRIPS BY TEACHERS WITH GROUPS OF CHILDREN?"

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Alabama	-	No	-	-
Alaska	No	No	-	-
Arizona	No	-	No	-
Arkansas	No	-	-	-
California	Yes	Yes	-	-
Colorado	No	No	Refer/SI	-
Connecticut	-	No	-	No
Delaware	No	-	No	-
Florida	-	No	-	No
Georgia	No	No	-	-
Hawaii	No	No	DNAQ	-
Idaho	Refer (1)	No	-	No
Illinois	DNAQ	Yes	-	-
Indiana	-	No	No	No
Iowa	No	No	No	No
Kansas	-	-	No	No
Kentucky	Yes	-	-	Yes
Louisiana	No	DNAQ	-	No
Maine	No	-	-	DNAQ
Maryland	-	No	-	No
Massachusetts	Refer/SI	No	-	-
Michigan	DNAQ	No	No	No
Minnesota	No	No	-	No
Mississippi	No	No	No	-
Missouri	No	No	-	-
Montana	No	No	-	-
Nebraska	-	-	No	-
Nevada	No	No	-	No
New Hampshire	-	No	-	No
New Jersey	-	No	No	-
New Mexico	No	-	No	No
New York	Refer/SI	No	No	No
North Carolina	-	No	-	No
North Dakota	No	No	-	No
Ohio	No	No	No	No

TABLE 2 (continued)

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Oklahoma	Refer/SI	No	-	-
Oregon	-	No	-	Refer/SI
Pennsylvania	No	No	-	-
Rhode Island	-	No	-	-
South Carolina	No	No	-	No
South Dakota	No	-	No	-
Tennessee	No	No	-	-
Texas	-	-	No	-
Utah	No	No	No	-
Vermont	-	No	No	No
Virginia	No	No	No	No
Washington	No	No	No	-
West Virginia	Refer/SI	No	-	-
Wisconsin	No	No	-	No
Wyoming	No	No	-	No

Notes: In cases where one agency referred request to another for reply, this is indicated.

DNAQ = Did Not Answer Question

(1) Referred to State Law Library

history, geography, natural sciences, and other studies relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where such excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district.

No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need of them.

No group shall be authorized to take a field trip or excursion authorized by this section if any pupil who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds. Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school district equipment during a field trip or excursion authorized by this section.

> The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip or excursion, but shall not exceed 10 schooldays. The Superintendent of Public Instruction shall advise the Legislature of the total amount of attendance credits which resulted from all field trips or excursions during the 1972-73 fiscal year and the 1973-1074 fiscal year.
>
> All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents and guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving such claims.
>
> No transportation allowances shall be made by the Superintendent of Public Instruction for expenses incurred with respect to field trips or excursions which have an out-of-state destination. Any school district which transports pupils, teachers, or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the allowance to such school district for regular transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.[1]

As can be seen from the above, California parents waive all claims against the State and School Districts for any injuries that might occur on the trip. Also noted is that claims against individual teachers and supervisors are

not waived. However, through the provisions of Section 1082 California does provide for medical or hospital service for pupils sustaining injuries while on field trips. This coverage may be provided either by direct payment to hospitals, or through the purchase of insurance with district funds or by the insured pupil or parent.[2]

Other sections of the school code referred to the requirement that all schools be equipped with a first aid kit (Section 11951),[3] that the kit be in the possession of the person in charge of the field trip (Section 11952)[4] and that a snake bite kit be a part of the contents of the first aid kit whenever the field trip is scheduled in an area commonly known to be infested by poisonous snakes (Section 11954).[5] Section 11953 specifically delineates the minimum contents of the first aid kit.[6]

The State of Illinois recognizes the field trip as a part of the pupils' educational experience through Section 10-22.29b of the school code. Their terminology includes the use of educational tours, which is interpreted to fall within the scope of this paper. This section also makes specific reference to other applicable sections of the school code, particularly with regard to pupil transportation. Section 10-22.29b follows:

> Educational tours. As a supplement to a particular course of instruction, to conduct educational tours, within or without the district, the State of Illinois

> or the United States, for the pupils or employees, or both, of any school or schools within the district. No pupil or employee may participate in such a tour unless he has accident and health insurance coverage protecting against bodily injury or death and, if he is an employee, disability while participating in the tour. Nothing in this Section authorizes the use of any school funds for any expenditures incurred on such a tour such as meals, lodging and transportation costs nor does this Section apply to any outdoor education class, field trip or travel to and from a school sponsored event as permitted under Sections 10-22.29, 29-3.1 and 34-18, subsection (11). Nothing in this Section prohibits payment of the salaries of necessary personnel while on a tour or field trip if the personnel are performing in the ordinary course of their employment.[7]

The State of Kentucky has recognized the field trip as an integral part of its educational program as evidenced in the Kentucky Revised Statutes 158.060. This statute states:

> . . .A pupil who is absent, excused or dismissed from any regularly scheduled class to attend not more than four (4) field trips in a school term may be considered in attendance on those days, if the field trip is part of a regularly scheduled class; Provided, however, That upon application of any district superintendent, the superintendent of public instruction or the state board of education may, if sufficient cause be shown, grant authority to use an additional day or days for special field trips or exceptional events.[8]

Additionally, the Kentucky Legislature recognized the liability issue through the enactment of Section 161.185 of the Kentucky Revised Statutes. This statute specifically deals with the responsibility to have qualified staff members accompany any school group on any outing. It states:

> Boards of education shall require a member of the school faculty or a member of the administrative staff to accompany students on all school sponsored or school indorsed trips.[9]

In correspondence with the Assistant Attorney General, Commonwealth of Kentucky, he mentioned the possible legal ramifications of yet another provision, Kentucky Revised Statutes 161.180, which is cited below:

> (1) Each teacher in the public school shall hold pupils to a strict account for their conduct in school, on the way to and from school, on the playgrounds, in the lunchroom and cafeterias, and during intermission or recess.
>
> (2) The various boards of education of the Commonwealth of Kentucky, and the principals of the public schools, may use teachers' aides in supervisory capacities, such as playground supervision, hallway supervision, lunchroom and cafeteria supervision, and other like duties, including, but not limited to, recreational activities and athletic events, relating to the supervision and control of the conduct of the pupils; and while so engaged, such teacher's aides shall have the same authority and responsibility as is granted to and imposed by law upon teachers in the performance of the same or similar duties.[10]

It is the opinion of the authors, based upon their interpretation of the laws cited as well personal correspondence with representatives of the Office of the Attorney General and the Office of the Kentucky School Boards Association that school administrators, teachers, and teachers aids could be used for the supervision of field trips. There is no question that some form of "qualified" supervision must be used in any field trip sponsored by Kentucky schools.

Other laws and policies. Other responses, although interpreted to be negative replies in terms of the specific question, are worthy of some attention. Some of the replies

refer to laws which are related, in the opinion of the authors, to field trips, while others deal with state department of education policies concerned with field trips, excursions or tours.

Hawaii's public schools, operating under the State Department of Education, has a policy which specifically states that "Field trips shall be considered a valid part of the instructional program, supplementing and enriching classroom learning experiences." (Code No. 2320.2)[11] Additional portions of the Code (No. 2320.3) give regulations covering planning, authorization and funding for field trips.[12]

Contained within a 1966 New Jersey decision, made by the Acting State Commissioner of Education, is reference that field trips are a sound and important ingredient of the educational program. His decision, affirmed by the State Board of Education, basically recognized the field trip as an integral part of the child's educational experience. The expense for such activity was to be borne from instructional costs and was not to be assessed against parents or based upon the ability to pay. The Acting Commissioner did not rule that the P.T.A. or other similar agency might not make donations toward the support of such educational activities, but the basic cost still was to be considered instructional.[13]

In a more recent decision (1976) by the Commissioner of Education for New Jersey further guidelines were set forth.

Basically the Commissioner ruled that chaperones' expenses for co-curricular activities must be paid from activities funds unless these funds are insufficient, in which case the cost must then be assumed by the Board from general funds. Again, as in the case of educational field trips, the recognition of the worth of the activity was upheld.[14]

A 1929 opinion of the Oregon Attorney General was cited. This opinion involved the liability of the Dean of the Oregon Normal School for damages resulting from injuries to a person while on a field trip to the ocean. It was stated that the liability was limited to matters resulting from negligence.[15] In 1967 governmental immunity was abandoned, thus changing this opinion.

Pennsylvania Public School Code permits the Board of School Directors to provide free transportation to and from any points in the Commonwealth in excess of ten miles in order to provide field trips connected with the educational pursuits of the pupils. Field trips appear to fall within the purview of this statute regarding transportation, and certainly there is implication of their worth recognized in an indirect fashion.[16]

Of special interest also was information obtained from Wisconsin. An opinion of the Attorney General in 1938 indicated responsibility of field trips rests upon the school officials, not the school district. Taking a child away

from school for a field trip does not constitute negligence, unless the place to be visited is hazardous.[17] In a more recent Wisconsin case (1962) it was held that municipalities, including school districts, could be held responsible for the negligence of their employees, thereby abrogating the doctrine of sovereign immunity as applied to school districts.[18]

Court cases. The intent of the second question contained in the opinionnaire was to ascertain the existence of court decisions regarding teacher responsibility and liability in the matter of field trips, either in recent (within the last five years), or earlier times. Complete results from an analysis of the responses to this question may be found in Table 3. Negative responses again were prevalent.

In a 1976 appellate court decision, the terms "school-sponsored activity," "field trip," and "excursion" were legally defined for the State of California. This case involved a young man, a member of a high school ROTC unit, who was killed during a summer encampment. The decision revolved about the definition of "school-sponsored activity" and "field trip." If the summer camp was defined as a "school-sponsored activity" then suit could be entered, however, if the camp came under the definition of "field trip" then the school district was protected by the implied immunity in Section 1081.5 of the California Education Code (described earlier).

TABLE 3. RESPONDENTS' REPLIES TO QUESTION "HAVE YOU HAD ANY RECENT COURT DECISIONS REGARDING TEACHER RESPONSIBILITY AND LIABILITY IN THE MATTER OF FIELD TRIPS?"

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Alabama	-	No	-	-
Alaska	No	No	-	-
Arizona	No	-	No	-
Arkansas	No	-	-	-
California	Yes	Yes	-	-
Colorado	DNAQ	No	Refer/SI	-
Connecticut	-	No	-	No
Delaware	No	-	No	-
Florida	-	DNAQ	-	No
Georgia	No	No	-	-
Hawaii	No	No	DNAQ	-
Idaho	Refer (1)	No	-	No
Illinois	DNAQ	Yes	-	-
Indiana	-	No	No	No
Iowa	No	No	No	No
Kansas	-	-	No	No
Kentucky	No	-	-	No
Louisiana	DNAQ	DNAQ	-	No
Maine	DNAQ	-	-	DNAQ
Maryland	-	DNAQ	-	No
Massachusetts	Refer/SI	No	-	-
Michigan	DNAQ	No	No	No
Minnesota	No	No	-	No
Mississippi	No	No	No	-
Missouri	No	No	-	-
Montana	No	No	-	-
Nebraska	-	-	No	-
Nevada	No	No	-	No
New Hampshire	-	No	-	No
New Jersey	-	No	No	-
New Mexico	No	-	No	No
New York	Refer/SI	No	No	No
North Carolina	-	DNAQ	-	No
North Dakota	No	No	-	No
Ohio	No	No	No	No

TABLE 3 (continued)

State	Attorney General (AG)	Supt./ Instr. (SI)	Educ. Orgn. (EO)	School Boards (SB)
Oklahoma	Refer/SI	DNAQ	-	-
Oregon	-	No	-	Refer/SI
Pennsylvania	No	No	-	-
Rhode Island	-	No	-	-
South Carolina	No	No	-	DNAQ
South Dakota	No	-	No	-
Tennessee	No	No	-	-
Texas	-	-	No	-
Utah	No	No	DNAQ	-
Vermont	-	No	No	No
Virginia	No	No	No	No
Washington	No	DNAQ	No	-
West Virginia	Refer/SI	No	-	-
Wisconsin	No	No	-	No
Wyoming	No	No	-	No

Notes: In cases where one agency referred request to another for reply, this is indicated.

DNA - Does Not Apply

DNAQ = Did Not Answer Question

(1) Referred to State Law Library

The court, in its decision, concluded:

> . . . that where a "school-sponsored activity," i.e., one that requires attendance and for which attendance credit may be given is involved, the event is a "specific undertaking" of the district. In such a case "the district . . . shall be liable or responsible for the . . . safety of any pupil only while such pupil is or should be under the immediate and direct supervision of an employee of such district." (Ed. Code, Section 13557.5.)
>
> . . . . . .
>
> These allegations are sufficient to place the plaintiffs within the ambit of Section 13557.5 and not under the disability of immunity provisions of Section 1081.5. The fact that in the original and first amended complaints the activity in which the decedent was a participant was designated as a "field trip or excursion" is not binding upon plaintiffs. The activity itself was adequately pleaded and the correction of designation is not a change of fact merely to avoid the effect of a demurrer.
>
> Certainly the plaintiffs should be provided the forum in which to prove, if they can, that the ROTC "summer camp, bivouac and summer training" was just as much a part of the school curriculum as a school-sponsored band or orchestra performance at an off-premises event.[19]

In 1972 a case involving a seventh grade pupil who was injured while on a field trip to the Field Museum of Natural History in Chicago was tried. Fifty seventh graders were touring the museum, under the supervision of two teachers, and had divided into small groups. One student was injured when hit by older boys who were in the museum but not a part of the group. A suit followed against the museum director and the two teachers. The decision, later confirmed upon appeal, dismissed the suit because of protection afforded under statute.[20]

A Kentucky case, although over five years old, was unique and is closely enough related to the topic that a summary of it is included. This case involved a senior trip which was taken despite a policy of the Board of Education prohibiting school-sponsored senior trips. This trip was interpreted as an "educational trip" by the Superintendent, Principal, and the teachers involved in the suit. During the course of this trip, which involved swimming at a "closed" beach, Charles Cox drowned. The crux of the case revolved about the responsibility and liability of the principal and teachers for his death. Although evidence seemed to weigh heavily against the principal and teachers the principal and teachers for his death. Although evidence seemed to weigh heavily against the principal and teachers the court did not consider these matters as Charles Cox was over eighteen years of age and an adult in the Commonwealth of Kentucky at the time of his death. In the Court of Appeals judgment it was noted that "the jury was entitled to believe that Charles, being an 18-year-old adult was guilty of contributory negligence."[21]

Another case, Cirillo v. Milwaukee, is of interest because of its possible applicability to field trips. In this case, decided in 1966, a jury question of supervision was raised under certain circumstances where the teacher absented himself from a "gym" class in a Milwaukee school.

Here the court, in response to a question from the jury, set up the circumstances which would apply to a teacher in determining what was and was not "proper supervision" and it seems to follow that these rules would apply to field trips as well as the classroom.[22]

Comments. The third question on the opinionnaire was intended to elicit comments regarding the matter of teacher responsibility and liability as related to field trips. The comments received from the various respondents often were interesting and informative.

The comments which appeared most frequently may be summarized as an expression that the doctrine of reasonable care and ordinary (classroom) tort liability for negligence is applicable to field trips. Even though in a few cases it was mentioned that the school districts are within the protection of the doctrine of sovereign immunity, more often it was indicated that the state legislature had removed the immunity doctrine from the statutes. The comments often included that the state has a "save harmless" statute, and that purchase of liability insurance by the local school districts is permitted.

Summary

An examination of the responses revealed that the population was drawn from the Attorneys General, State

Superintendents of Public Instruction, and the State Education Organizations of the several states of the United States. Of the total population of separate agencies surveyed one or more responses were received from each of the 50 states.

The findings related to the first question on the opinionnaire concerning the existence of specific state laws dealing with teacher responsibility and liability on field trips disclosed that such laws are few in number. Only three states (California, Illinois, and Kentucky) had laws which could clearly be identified in this category.

The second question was asked to determine the existence of court decisions relative to the matter under investigation. Only two court cases were recent enough to be classified as a positive response. Several other states had either opinions of various legal officers or earlier court cases which were discussed for their relationship to the matter.

Many comments were received from the respondents. The most frequently recurring one was the opinion that the legal standard of reasonable care is the same on a field trip as in the regular classroom.

Chapter IV is devoted to a summary of this study, to the findings which were made, and to the conclusions drawn from these findings.

Footnotes

[1]California Education Code, Section 1081.5.

[2]California Education Code, Section 1082.

[3]California Education Code, Section 11951.

[4]California Education Code, Section 11952.

[5]California Education Code, Section 11954.

[6]California Education Code, Section 11953.

[7]Illinois School Code, Section 10-22.29b.

[8]Kentucky Revised Statutes, 158.060.

[9]Kentucky Revised Statutes, 161.185.

[10]Kentucky Revised Statutes, 161.180.

[11]Hawaii School Code, 2320.2.

[12]Hawaii School Code, 2320.3.

[13]Melvin C. Willett v. Board of Education of the Township of Colts Neck, Monmouth County, S.L.D. 202 (1966), affirmed S.L.D. 276 (1968), New Jersey.

[14]Melvin C. Willett and Freehold Regional High School Education Association v. Board of Education of the Freehold Regional High School District, Monmouth County.

[15]Op. Att'y Gen. 307 (1928-30), Oregon.

[16]24 Purdons Pennsylvania Statutes, Section 13-1361.

[17]XVII Op. Att'y Gen. 395, June 10, 1938, Wisconsin.

[18]Holytz v. The City of Milwaukee, 115 N.W. 2d 618 (1962).

[19]Castro v. Los Angeles Bd. of Education, 54 C.A. 3d 232 (1976).

[20]Mancha v. Field Museum of Natural History, et al., (1st Dist. 1972), 5 Ill. App. 3d 699, 283 N.E. 2d 899, and Laurence W. Knowles, "Student Beaten on Field Trip: Who Is Liable?" Nations Schools, 91:72, May, 1973.

[21]Cox v. Barnes, 469 S.W. 2d 61 (Ky 1971).

[22]Cirillo v. Milwaukee, Wis 2d 705, 707 (1966).

CHAPTER IV

SUMMARY, FINDINGS, AND CONCLUSIONS

This final chapter is presented in three sections. The first section restates the problem of the study, summarizes the salient positions of the literature and related research, and outlines the procedures which were followed. The second section recapitulates the findings of the investigation. The final section states certain conclusions which were drawn from the findings and offers recommendations for future study.

Summary

The problem. The purpose of this study was to investigate existing state laws and court decisions in the United States related to teacher responsibility and liability while on field trips.

Related literature. The field trip or educational excursion has been an important part of the pupil's educational experience for some time. It originated in Europe before 1900. The field trip was first used in the United States in the early part of the 20th century. Since that time the field trip has become a viable part of the total school program.

The review of the literature in the field of educa-

cational administration dealing with teachers' legal responsibilities, particularly in the general area of field trips, revealed that a great deal has been written on the subject. There appears to be a nationwide trend to eliminate or materially change the doctrine of sovereign immunity. A trend toward the enactment of "save harmless" laws within many states is apparent. It also appears that an ever increasing number of states require or permit school districts to carry liability and/or personal injury insurance on school personnel and pupils. Numerous state educational organizations also provide insurance plans in connection with membership in these groups.

Methodology. A normative survey was conducted, utilizing an opinionnaire specifically designed for this purpose. These instruments were mailed to the Attorneys General, State Superintendents of Public Instruction, State Education Associations (NEA), State School Boards Associations and Teacher Unions (AFL-CIO) of all 50 states of the United States. A follow-up mailing was utilized in order to increase the per cent of responses.

Replies were analyzed and a percentage of responses was reported where appropriate. Because of the nature of the instrument utilized and the responses received, the major portion of this study consisted of the subjective

judgments and interpretative analyses of the authors. Data were summarized, classified, and tabulated where deemed appropriate.

Findings

The following findings, indicated by the results of the analyses, were reported:

1. State laws specifically dealing with teacher responsibility and liability during the conduct of field trips are few in number.

2. Recent court decisions regarding teacher responsibility and liability while engaged in the conduct of field trips are few.

3. The teacher conducting a field trip is no more liable to tort liability for negligence than s/he would be in his (her) own classroom. While the precautions which must be taken to insure the safety of the pupil may be different, and often more stringent while on field trips, the doctrine of reasonable care is still applicable.

4. Liability insurance is available to teachers either through governmental agencies and/or membership in professional organizations in many states.

5. A trend appears to have developed in which states are removing the doctrine of sovereign immunity from their statutes. A related trend appears to be the adoption of "save harmless" laws.

Conclusions

Based upon the findings reported, the following conclusions were drawn:

1. The Departments of Education, either through the State Superintendent of Public Instruction or other appropriate officers, should specifically recognize the field trip as an integral part of the total educational program. It is believed that this would have the effect, in law, of protecting the teacher for all but tortious acts of negligence.

2. State legislatures should consider the enactment of statutes requiring adequate liability and accident insurance coverage for all persons while in the classroom as well as when engaged in the conduct of and participation in the field trip. Legislatures may also wish to consider the enactment of "save harmless" laws in conjunction with those dealing with adequate liability insurance coverage.

BIBLIOGRAPHY

Bibliography

Alexander, Kern, "Trends and Trials: Tort Liability Spreads to Students, Faculty," Nation's Schools, 87:57, March, 1951.

Anderson, W. B., "Is Their Journey Really Necessary," The Times Educational Supplement, 3041:41, September 7, 1973.

Ayars, Albert Lee, "An Evaluation of Cooperatively Planned Resources Workshops for Teachers," Unpublished Doctoral Dissertation, School of Education, State College of Washington, Pullman, Washington, 1956.

California Education Code, Sections 1081.5, 1082, 11951-53.

Caras, Roger, "Putting the Field Back Into the Field Trip," Instructor, 86:50, April, 1977.

Castro v. Los Angeles Bd. of Education, 54 C.A. 3d 232 (1976).

Cirillo v. Milwaukee, Wis 2d 705, 707 (1966).

Clark, Ella C., "An Experimental Evaluation of the School Excursion," Journal of Experimental Education, 12:11-13, September, 1943.

Correspondent of the London Times Educational Supplement "School Journeys in Japan," School and Society, 42:300, August 31, 1935.

Cox v. Barnes, 469 S.W. 2d 61 (Ky 1971).

Curtis, Dwight K., "The Contributions of the Excursion to Understanding," Journal of Educational Research, 38:201002, 210, November, 1944.

Davies, Elaine C., "Tort Liability of Teachers and School Administrators," Educational Horizons, 49:41-43 Winter, 1970.

Dineen, Tom, "Negligent of Intentional Act May Bring Charge," Minnesota Journal of Education, 47:26, November, 1966.

Downs, S. W., "The School Journey Movement in Great Britain," School and Society, 42:541, October 19, 1935.

DuVall, Charles R. and Krepel, Wayne J., "A Survey of Laws and Court Decisions in the United States as Related to Teacher Responsibility and Liability During Field Trips," Research in Education, 7:5 (May, 1972), p. 92. (ERIC Document No. ED 059 131).

DuVall, Charles Robert and Truex, Donald Walter, "Computerized Community Resources Handbook: A Joint Project of Indiana University at South Bend and the South Bend Community School Corp.," Research in Education 6:9 (September, 1971) p. 104 (ED 051 049).

Esposito, Gerard, "Teacher Liability for Accidents in the School Shop," Industrial Arts and Vocational Education, 57:63-64, October, 1968.

Forster, Edith C., "An Evaluation of the Field Trip in the Formation of Social Concepts and Generalizations," Dissertation Abstracts, 22:181, July-September, 1961.

Good, Carter V., editor, Dictionary of Education, third edition, New York: McGraw-Hill BookCompany, 1973, p. 239.

Grieve, Andrew, "Legal Aspects of Transportation for Athletic Events," The Athletic Journal, 47:64, 86, March, 1967.

Hall, Wendy, "School Journeys in British Education," School and Society, 82:151-53, November 12, 1955.

Harvey, Helen W., "An Experimental Study of the Effect of Field Trips Upon the Development of Scientific Attitudes in a Ninth Grade General Science Class," General Education, 35:242-248, December, 1951.

Hawaii School Code, 2320.2-3.

Hoffman, Earl, "The Classroom Teacher and School Law," Educational Horizons, 49:239, Winter, 1970.

Holytz v. The City of Milwaukee, 115 N.W. 2d 618 (1962).

Howard, Alvin W., "Teacher Liability and the Law," The Clearing House, 42:413, March, 1968.

Howland, Aldene E., How to Conduct a Field Trip, National Council for the Social Studies, "How to Do It Series, No. 12," Washington: National Education Association, 1962, p. 4.

Illinois School Code, Section 10-22.29b.

Kandel, I. L., "Excursions, School," in A Cyclopedia of Education, Paul Monroe (editor), New York: The Macmillan Company, 1911, republished by Gale Research Company, Detroit, 1968, pp. 542-43.

Kentucky Revised Statutes, 158.060; 161.180, 161.185.

Knowles, Laurence W., "Student Beaten on Field Trip: Who Is Liable?" Nations Schools, 91:72, May, 1973.

Krepel, Wayne J., "A Survey of School Board Policies and Administrative Procedures for Dealing with Field Trips in Selected Smaller School Districts in the United States," Research in Education, 9:62 (abstract), August, 1974 (ED 089 399).

Krepel Wayne J., and DuVall, Charles R., "A Survey of School Board Policies and Administrative Procedures for Dealing with Field Trips in School Districts in Cities with Populations over 100,000 in the United States," Research in Education, 8:30 (abstract), August, 1974 (ED 089 399).

Licht, Kenneth F., "School Liability and Safety Education" The Education Digest, 36:22, November, 1970.

McKown, Harry C., and Roberts, Alvin B., Audio-Visual Aids to Instruction, Chapter IX, "School Trips and Tours," New York: McGraw-Hill Book Company, INc., 1940, p. 181.

McMurry, Charles, Special Methods in Geography, New York: The Macmillan Company, 1903.

Mancha v. Field Museum of Natural History, et al., (1st Dist. 1972), 5 Ill. App. 3d 699, 283 N.E. 2d 899.

Muente, Grace, "A Walk Turned a Roomful of Individuals Into a Sharing First Grade," The Instructor, 77:40, August, 1967.

Muhlicek, Allen L., "Orientation Centers for IN-Migrants and Transients," The Education Digest, 32:9, April, 1967.

Nathan, Joe and Scheer, Ellen, "Learn to Travel/Travel to Learn," Teacher, 94:60-62, October, 1976.

Op. Att'y Gen. 307 (1928-30), Oregon.

Op. Att'y Gen. (XVII) 395, June 10, 1938, Wisconsin.

Orton, Peter and Stevens, Joyce, "Survival in Boston," Education Digest, 42:19-22, April, 1977.

Phlegar, Frederick L., "School Law and the Teacher," Virginia Journal of Education, 60:20, May, 1967.

Ruth, Ferdinand S., "Field Trips - Why and How," The American Biology Teacher, 24:32, January, 1962.

Sebolt, Alberta P., "The Community as a Learning Laboratory," Educational Leadership, 29:410, February, 1972.

Sorrentino, Anthony V., and Bell, Paul E., "A Comparison of Attributed Values With Empirically Determined Values of Secondary School Science Field Trips," Science Education, 54:235, July, 1970.

Sweetser, Evan A., "Field Trips and Teacher Liability," The American Biology Teacher, 36:239-240, April, 1974.

24 Purdons Pennsylvania Statutes, Section 13-1361.

Wetterer, Charles M., "Can He Be Sued? An Evaluator's Dilemma," The Clearing House, 40:530, May, 1966.

Melvin C. Willett v. Board of Education of the Township of Colts Neck, Monmouth County, S.L.D. 202 (1966), affirmed S.L.D. 276 (1968), New Jersey.

Melvin C. Willett and Freeho-d Regional High School Education Association v. Board of Education of the Freehold Regional High School District, Monmouth County.

APPENDIX

INDIANA UNIVERSITY at SOUTH BEND
1825 NORTHSIDE BOULEVARD
SOUTH BEND, INDIANA 46615

DIVISION OF EDUCATION

TEL NO 219 237-4339

May 14, 1976

Dear Sir/Madam:

Today many more teachers are utilizing community resources in their teaching. Part of this pattern of utilization requires them to take their children outside the normal classroom environment on "field trips." Many teachers and administrators evidence concern about their legal responsibilities during these field trips.

We recognize that the several states have differing legal requirements concerning teacher responsibilities and liability during the conduct of field trips. In 1971 we conducted a normative survey in order to determine legal responsibilities and requirements of the several states regarding this matter. The results of this study were published:

"Teacher Liability During Field Trips," Journal of Law and Education, 1:637-648, October, 1972.

Now, in 1976, we wish to determine what changes have occurred during the past five years. Would you please answer the following questions:

1. Does your state have specific laws dealing with the conduct of field trips by teachers with groups of children? If "yes," please describe or send copy of the law.

2. If you have had any recent (within the last five years) court decisions regarding teacher responsibility and liability in the matter of field trips, please advise us. Are you aware of any earlier decisions pertinent to this matter? (We are attempting to verify our earlier research.)

3. We would appreciate any comments you wish to make concerning teacher responsibility and liability in the conduct of field trips.

We plan to analyze the results of the responses to the above questions regarding field trips. Comparisons with the results of the 1971 study will be made where appropriate. We do not intend to interpret the laws, but rather inform educators and others of the laws presently in effect.

If you would like a summary of the results of this study, please complete the enclosed mailing label and return it with your reply.

Sincerely,

Wayne J. Krepel
Associate Professor

Charles R. DuVall
Associate Professor

INDIANA UNIVERSITY at SOUTH BEND
1825 NORTHSIDE BOULEVARD
SOUTH BEND, INDIANA 46615

DIVISION OF EDUCATION

TEL NO 219 237-4339

July 14, 1976

Dear Sir/Madam:

Two months ago we sent you a letter requesting certain data regarding field trips and the legal responsibilities of your teachers. We have duplicated copies of that letter on the reverse side.

Please consider the importance of your response to this study. If you have not yet responded will you please consider the importance and do so at your earliest convenience.

Again, we will be happy to send you a summary of this study if you will inform us that you wish to receive same.

Thanks for your cooperation.

Sincerely,

Charles R. DuVall
Associate Professor

Wayne J. Krepel
Associate Professor